



Placer County
Department of Facility Services
11476 C Avenue, Auburn, California 95603
(530) 886-4950 / Fax (530) 889-7599 / www.placer.ca.gov

LETTER OF TRANSMITTAL

DATE: September 9, 2005

TO: Rebecca Williams

FAX: (916) 319-7417

FROM: Christina Hanson

FAX: _____

SUBJECT: Comments on Proposed Permit Implementation Regulations
(AB 1497)

WE TRANSMIT:

☐ HEREWITH

☒ VIA FAX WITH 3 SHEETS, INCLUDING THIS COVER SHEET

☐ UNDER SEPERATE COVER VIA _____

FOR YOUR:

☐ APPROVAL

☐ AS REQUESTED

☒ INFORMATION AND RECORDS

☐ REVIEW AND COMMENT

☐ SIGNATURE AND RETURN

☐ OTHER

ADDITIONAL COMMENTS:



COUNTY OF PLACER FACILITY SERVICES DEPARTMENT

Phone 530-886-4900 Fax 530-889-6809

www.placer.ca.gov

JAMES DURFEE, DIRECTOR
MARY DIETRICH, ASSISTANT DIRECTOR
ALBERT RICHIE, DEPUTY DIRECTOR
WILL DICKINSON, DEPUTY DIRECTOR

September 9, 2005

Attn: Rebecca Williams
Permitting and Enforcement Division
CIWMB
PO Box 4025
Sacramento, CA 95812

Subject: Comments on Proposed Permit Implementation Regulations (AB 1497)

Placer County staff attended the Public Workshop to discuss the Permit Implementation Regulations (AB 1497) on August 22, 2005, the third workshop of the informal rulemaking process. The objective of this workshop was to review the draft regulatory package and receive comments and questions from interested parties.

The regulation package addresses six key issues:

1. Significant Change and Modified Permit Process – Significant change to be determined by the LEA. Modified permit process will be used for "non-material" changes with no conditions or terms attached.
2. Public Notices and Hearing Requirements – Higher level of noticing and public information meeting for new and revised permits.
3. Relationship of Solid Waste Facilities Permit to Local Land Use – One copy of permit application will be forwarded to local land use department as part of noticing process.
4. Tracking Community Outreach Efforts – Outreach opportunities to be listed and documented, by operator, one time only, submitted with application package.
5. Five Year Permit Review Noticing – LEA will be responsible for noticing, not CIWMB.
6. Surprise Random Inspections – LEA "shall", rather than "may" conduct unannounced, random inspections.

Placer County strongly supports the overall objective of the proposed regulations to simplify the process of solid waste facility permitting in California. However, we do have comments and suggestions regarding Significant Change in Operation.

11476 C Avenue Auburn CA 95603
Entrance at 2855 2nd Street

Administration – Building Maintenance – Capital Improvements – Museums – Parks
Property Management – Solid Waste Management – Special Districts Services

Comments on Proposed Permit Implementation Regulations Comments (AB 1497)

September 9, 2005

Page 2

The Board originally addressed the issue of "significant change" because the term was not defined in statute or regulation. Without a definition, there has been inconsistency in LEA enforcement and handling of changes proposed by facility operators. The Board's objective, according to the March 10, 2005 Draft Working Document, was to "adopt regulations that define the phrase 'significant change in the design or operation of the SWF that is not authorized by the existing SWFP', making it clear when a SWFP needs to be revised..."

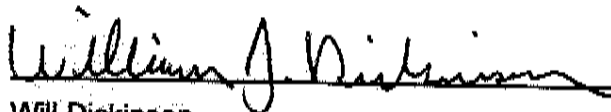
The approach of leaving the determination of the term "significant" up to the LEA does not meet the Board's own defined objectives. The draft language does not define the phrase; it instead eliminates the term entirely. The resultant effect is that any change to an RFI, regardless of how minor, would trigger at least an RFI amendment process. This means that even minor changes could take at least 180 days to approve "unless otherwise determined by the EA". We believe that there must be categories of "minor changes" that the regulations recognize as being sufficiently minor and can be made much more rapidly.

The proposed regulations add a new term, "nonmaterial" that actually exacerbates the problem. The definition of "nonmaterial" is a change that "...would not result in any physical change..." This implies that any change that is physical would require, at minimum, a permit modification.

We strongly recommend that you follow your original intent and define the term "significant" in a way that will eliminate RFI Amendments for minor modifications.

Thank you for considering our comments.

Sincerely,



Will Dickinson
Deputy Director, Facility Services Department

WD/CH:ch